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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/072,200 | 02/07/2002 | Jesus Fernandez-Grandizo Martinez | KOB-9 | 3519 |

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WILDMAN, HARROLD, ALLEN & DIXON
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EXAMINER

NGUYEN, HANH N

ART UNIT PAPER NUMBER

2834

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,200

Applicant(s)

FERNANDEZ-GRANDIZO
MARTINEZ, JESUS

Examiner

Nguyen N Hanh

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendments filed on 9/15/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 4-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 34-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. Applicant's election without traverse Group I, claims 1-26, the cancellation of claims 4-26 and the addition of claims 34-56 have been acknowledged.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "20" has been used to designate both "brush holder" as in Fig. 5 and "the second side" as in Fig. 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "wire guide" in claim 56 must be shown or the feature canceled from the claim. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: "the second side 20" in page 4, line 10 should be given different reference number.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3 and 34-56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Refer to pages 3,4 and 6 of the specification, Fig. 1, 3, 5 and 6 were used to described several different embodiments and it is not clear how many embodiments are disclosed and what is the difference between the embodiments. Also, it is not clear which figure relates to a specific embodiment.

5. Claims 48, 49 and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 48, the first side and the second side of the brush holder (or the first end and second end) refer to a surface with two dimensions. It is not clear which dimension "a first length" and "the second length" refer to. In view of drawings, the Examiner interprets "a first length" as a length in radial direction.

Regarding claim 49, the top side and the bottom side of the brush holder refer to a surface with two dimensions. It is not clear which dimension "a first width" and "the second width" refer to. In view of drawings, the Examiner interprets "a first width" as a length tangent to the center hole.

Regarding claim 51, there is no antecedent basis for "the stop bar".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 44 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Cousins et al.

Regarding claim 1, Cousins et al. disclose a motor mounting platform for use in an appliance comprising: the motor mounting platform (38 in Fig. 2 and 3) constructed of a first material (polybutylene tetrphalate) and at least two brush holders constructed of a second material (phenolic) being engaged to the platform (Col. 5, lines 42-47 and 62-68).

Regarding claim 2, Cousins et al. also disclose a motor mounting platform wherein the second material (phenolic) is electrically non-conductive.

Regarding claim 3, Cousins et al. also disclose a motor mounting platform wherein the first material has a lower thermal classification than the second material (because phenolic is a kind of resin has a higher thermal classification than plastic).

Regarding claim 44, Cousins et al. also disclose a motor mounting platform includes at least two pair of brush holder guides (42 and 44) mounted directly to the platform in which each pair receivably engages the brush holder and is adapted to permit the brush holder to be removed from the platform.

Regarding claim 56, Cousins et al. also disclose a motor mounting platform wherein a wire guide (tab 70) is connected to the motor mounting platform.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins et al. in view of Kasper et al.

Regarding claim 34, Cousins et al. show all limitations of the claimed invention except showing a motor mounting platform wherein the platform has a first side and a second side in which the second side includes a cavity surrounded by an edge.

However, Kasper et al. disclose a motor mounting platform (22 in Fig. 1) wherein the platform has a first side and a second side in which the second side includes a cavity surrounded by an edge for the purpose of forming a vacuum cleaner.

Since Cousins et al. and Kasper et al. are in the same field of endeavor, the purpose disclosed by Kasper et al. would have been recognized in the pertinent art of Cousins et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Cousin et al. by forming the platform has a first side and a second side in which the second side includes a cavity surrounded by an edge as taught by Kasper et al. for the purpose of forming a vacuum cleaner.

Regarding claim 35, Kasper et al. also disclose a motor mounting platform wherein at least one motor support is mounted on the first side.

Regarding claim 36, Kasper et al. also disclose a motor mounting platform wherein the brush holder is mounted on the first side

Regarding claim 37, Cousins et al. Kasper et al. also disclose the claimed invention except for showing the cavity has an involute shape. It would have been an obvious matter of design choice to form the cavity with an involute shape, since such modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 38, Kasper et al. also disclose a motor mounting platform wherein an exhaust outlet (chamber 74 in Fig. 1) extends from the mounting platform.

Regarding claim 39, Kasper et al. also disclose a motor mounting platform wherein the exhaust outlet is integrally molded with the mounting platform.

Regarding claim 40, Kasper et al. also disclose a motor mounting platform further comprised of: at least one motor support mounted to the platform (Fig. 1).

Regarding claim 41, Kasper et al. also disclose a motor mounting platform wherein the motor support includes a first post and a second post (Fig. 1).

Regarding claim 42, Kasper et al. also disclose a motor mounting platform wherein the first and second post are mounted on opposing sides of a hole defined in and extending through the platform (Fig. 1).

Regarding claim 43, Kasper et al. also disclose a motor mounting platform wherein a motor is attached to the at least one motor support positioning the mounting platform out of electrical contact from the motor (Fig. 1).

8. Claims 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins et al. in view of Morimoto et al (U.S Patent No. 6,005,323).

Regarding claim 45, Cousins et al. show all limitations of the claimed invention except showing a motor mounting platform wherein each pair of inverted L-shaped guides, each L-shaped guide opposing the other.

However, Morimoto et al. disclose a brush card (5 in Fig. 2) wherein the brush card each pair of inverted L-shaped guides (10 in Fig. 6), each L-shaped guide opposing the other for the purpose of guiding the brush holder.

Since Cousins et al. and Morimoto et al. are in the same field of endeavor, the purpose disclosed by Morimoto et al. would have been recognized in the pertinent art of Cousins et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Cousin et al. by forming the platform with a pair of inverted L-shaped guides, each L-shaped guide opposing the other as taught by Morimoto et al. for the purpose of guiding the brush holder.

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9. Claims 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins et al. in view of Morimoto et al (U.S Patent No. 6,246,145).

Regarding claim 46, Cousins et al. show all limitations of the claimed invention except showing a motor mounting platform wherein a stop bar is mounted into the platform between each pair of brush holder guides and proximate a hole which extends through the platform.

However, Morimoto et al. disclose a brush card wherein a stop bar (21 in Fig. 3) is mounted into the brush card between each pair of brush holder guides and proximate a hole which extends through the brush card for the purpose of preventing the brush holder from moving inward.

Since Cousins et al. and Morimoto et al. are in the same field of endeavor, the purpose disclosed by Morimoto et al. would have been recognized in the pertinent art of Cousins et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Cousin et al. by forming the platform wherein a stop bar is mounted into the platform between each pair of brush holder guides and proximate a hole which extends through the platform as taught by Morimoto et al. for the purpose of preventing the brush holder from moving inward.

10. Claims 47,48,54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins et al. in view of Yamaguchi et al.

Regarding claim 47, Cousins et al. show all limitations of the claimed invention except showing a motor mounting platform wherein the brush holder has a top side

including a first slot in communication with the opening and a second slot in communication with the opening and positioned perpendicular to the first slot.

However, Yamaguchi et al. disclose a brush card wherein the brush holder has a top side including a first slot in communication with the opening and a second slot in communication with the opening and positioned perpendicular to the first slot (Fig. 5); a bottom side opposite the top side for the purpose of simplifying a brush insert work.

Since Cousins et al. and Yamaguchi et al. are in the same field of endeavor, the purpose disclosed by Yamaguchi et al. would have been recognized in the pertinent art of Cousins et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Cousin et al. by forming the platform wherein the brush holder has a top side including a first slot in communication with the opening and a second slot in communication with the opening and positioned perpendicular to the first slot as taught by Yamaguchi et al. for the purpose of simplifying a brush insert work.

Regarding claim 48, Cousins et al. also show the motor mounting platform wherein: the first side and the second side of the brush holder are a first length; the first end and the second end of the brush holder are a second length; and the first length is longer than the second length (Fig. 3).

Regarding claim 54, Cousins et al. also show a motor support (the rim surrounds center hole in Fig. 3) and the brush holder guides (44) are integrally molded with the mounting platform.

Regarding claim 55, Cousins et al. also show the motor mounting platform wherein the motor support contacts at least one brush holder guide (Fig. 3).

11. Claims 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins et al. in view of Yamaguchi et al. and further in view of Morimoto et al (US Patent No. 6,005,323).

Regarding claim 49, Cousins et al. and Yamaguchi et al. show all limitations of the claimed invention except showing a motor mounting platform wherein: the top side of the brush holder has a first width; the bottom side of the brush holder has a second width; and the second width is greater than the first width.

However, Morimoto et al. disclose a brush card wherein the top side of the brush holder has a first width; the bottom side of the brush holder has a second width; and the second width is greater than the first width for the purpose of fixing the brush holder surely on the brush card (Fig. 2).

Since Cousins et al., Yamaguchi et al. and Morimoto et al. are in the same field of endeavor, the purpose disclosed by Morimoto et al. would have been recognized in the pertinent art of Cousins et al. and Yamaguchi et al.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Cousin et al. and Yamaguchi et al. by forming the platform wherein the top side of the brush holder has a first width; the bottom side of the brush holder has a second width; and the second width is greater than the first width as taught by Morimoto et al. for the purpose of fixing the brush holder surely on the mounting platform.

Regarding claim 50, Morimoto et al. also show the brush card wherein the first and second sides of the brush holder each have a bottom edge adapted to be positioned within a pair of brush holder guides (10 in Fig. 2 and 6).

Regarding claim 51, Prior Art of Morimoto et al. also show the brush card wherein the bottom side includes a notch capable of engaging the stop bar (Fig. 12).

12. Claims 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cousins et al. in view of Yamaguchi et al. and further in view of Ogino.

Regarding claim 52, Cousins et al. and Yamaguchi et al. show all limitations of the claimed invention except showing a motor mounting platform with a brush holder wherein a wire attached to the second end of the commutating brush; a spring contacting the second end of the commutating brush and encircling the wire; and a lead located in the second end of the brush holder, the lead contacting the wire and the spring.

However, Ogino discloses a brush assembly wherein a wire (43 in Fig. 1A) attached to the second end of the commutating brush (42); a spring contacting the second end of the commutating brush and encircling the wire; and a lead (44) located in the second end of the brush holder, the lead contacting the wire and the spring for the purpose of forming a brush assembly.

Since Cousins et al., Yamaguchi et al. and Ogino are in the same field of endeavor, the purpose disclosed by Ogino would have been recognized in the pertinent art of Cousins et al. and Yamaguchi et al.

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It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Cousin et al. and Yamaguchi et el. by using a wire attached to the second end of the commutating brush; a spring contacting the second end of the commutating brush and encircling the wire; and a lead located in the second end of the brush holder, the lead contacting the wire and the spring as taught by Ogino for the purpose of forming a brush assembly

Regarding claim 53, Ogino also shows the commutating brush is constructed of carbon.

Conclusion

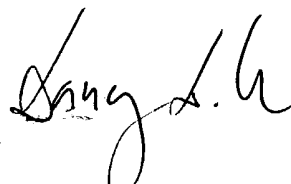
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (703) 305-3466. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

HNN

November 18, 2003


DONG L. H.
PRIMARY EXAMINER